

## **REMARKS**

### **I. Introductory Comments**

No amendments have been made to the claims in this paper. Therefore, claims 1-6, 8-13, 16, 18-24, and 27-30 remain pending in the application. Claims 1, 8, and 22 are independent claims.

In the Advisory Action dated April 24, 2008, the Examiner indicated that claims 7, 14, and 26 of the Application would be allowable if rewritten into independent form. Thus, these dependent claims were added to their respective base claims in the Amendment dated May 30, 2008. Instead of allowing the case, the Examiner issued new Section 103 rejections using a combination of no less than seven (7) references to reject the previously allowable claims.

This response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.<sup>1</sup> Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

All of the pending claims were rejected by the Examiner using a combination of no less than seven references, and even more references for some rejections. More specifically, in the Office Action, the Examiner rejected claims 1-5, 8-12, 16, 18-24, and 27-30 under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of the following:

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1. As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

1. Qua (U.S. Patent No. 6,222,909);
2. Walker (U.S. Patent No. 6,529,602);
3. Whitfield (U.S. Patent No. 5,995,824);
4. Rhee (U.S. Patent No. 5,524,137);
5. Wendelrup (U.S. Patent Application Publication No. 2002/0023099);
6. Bowater (U.S. Patent No. 6,278,772); and
7. Jones (U.S. Patent No. 6,522,727).

The Examiner also rejected claims 6 and 13 under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of the following:

1. Qua (U.S. Patent No. 6,222,909);
2. Walker (U.S. Patent No. 6,529,602);
3. Whitfield (U.S. Patent No. 5,995,824);
4. Rhee (U.S. Patent No. 5,524,137);
5. Wendelrup (U.S. Patent Application Publication No. 2002/0023099);
6. Bowater (U.S. Patent No. 6,278,772);
7. Jones (U.S. Patent No. 6,522,727); and
8. Liukkonen (U.S. Patent No. 6,230,214).

With respect to the present Section 103 rejections, the Examiner has focused on several very small portions of some of the cited references, while ignoring the references' overall teachings. Additionally, the Examiner has failed to show a teaching or suggestion to combine the references together, and failed to show how conflicting references could be combined.

## **II. The Section 103 Rejections**

The cited references do not teach or suggest numerous elements of Applicants' claims. Examples of the deficiencies of the cited references as applied to Applicants' claims are set forth below. Further, the non-obvious combination of known elements by the Applicants makes the presently pending claims patentable. The fact that the Examiner, after years of prosecution, is not able to find any references that combine the teachings of the

seven cited references in the unique way set forth in Applicants' claims, is one of the reasons why those claims are patentable over the cited references. The picking and choosing from multiple references (e.g., seven of them to reject claim 1) and arbitrarily substituting one element for another between the references when there is no suggestion to combine them, particularly when one or more of the combined references explicitly teaches away from the combination, is simply inappropriate.

The courts have consistently held that that "there must be some logical reason apparent from positive, concrete evidence of record which justifies a combination of primary and secondary references". *In re Stemniski*, 444 F.2d 581 (CCPA 1971). Obviousness cannot be established by combining pieces of prior art absent some "teaching, suggestion, or incentive supporting the combination". *In re Geiger*, 815 F.2d 686, 688 (Fed. Cir. 1987). And "[t]he mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984).

In *KSR International Co. v. Teleflex, Inc.*, 550 U.S. \_\_\_\_ (April 30, 2007), the Supreme Court did not disturb the well-settled proposition that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention, as the Federal Circuit stated in *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983). Further, the USPTO has published Section 103 Examination Guidelines that are consistent with this requirement of *Gore*. See Section 103 Examination Guidelines, 72 F.R. 57526 (October 10, 2007). Additionally, the Court made clear that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known and in the prior art." *KSR* at 14.

Further, an Examiner cannot simply ignore conflicting portions of two or more references when the Examiner has alleged that the references can be combined. MPEP § 2143.01 states that "[w]here the teachings of two or more prior art references conflict, the examiner must weigh the power of each reference to suggest solutions to one of ordinary

skill in the art, considering the degree to which one reference might accurately discredit another.” Accordingly, Applicant’s claims are clearly patentable as the cited references fail to teach or suggest numerous recitations found in Applicants’ claims, are incapable of being combined, and actually teach away from one another.

### **III. Claims 1-5, 8-12, 16, 18-24, and 27-30 are Patentable Over a Combination Of Seven References.**

#### **A. Independent Claim 1**

The Examiner alleged that independent claim 1 is unpatentable over the combination of seven references, namely Qua, Walker, Whitfield, Rhee, Wendelrup, Bowater, and Jones. However, claim 1 is patentable over the cited references for at least the following reasons, as discussed in detail below.

#### **1. “a user interface configured to allow a user of the wireless communication device to . . . [edit and delete] . . . two-way conversation data stored in the remote storage device”**

The Examiner alleged that “Walker covers this feature (see column 5).” Office Action, page 3. However, Walker says very little about editing or deleting two-way conversation data stored in a remote storage device. Additionally, contrary to the Examiner’s assertion, Walker is incapable of being combined with Qua. Furthermore, where Walker may be relevant, Walker actually teaches away from this recitation.

#### **a) Walker Cannot Be Combined with Qua**

The Examiner alleged that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Qua with the edit feature of Walker.” Office Action, page 4. Further, the Examiner alleged that “[t]his modification would have improved the system’s flexibility by allowing the user to perform other intermediate processing/distribution functions as suggested by Qua (see column 6).” Office Action, page 4. However, the combination of Qua and Walker would have the opposite effect, and would prevent numerous aspects of both systems from functioning at all, or from carrying out their intended functions. Thus, Qua and Walker are incapable of combination.

Qua is directed to an audio note taking system that allows users to easily record and send private comments to one another. As noted in the Abstract, Qua states that the system “permit[s] a user to record audio information . . . and distribute the information to other users in an efficient and accurate manner by working with other types of communication and information devices, such as voice mail and electronic mail servers.” Qua: Abstract. Qua discloses that “each party [to a conversation] can record private comments,” and that the “recorded message may be distributed to other parties as an audio or text file utilizing electronic mail and voice mail servers.” Qua: Abstract, emphasis added. Additionally, Qua discloses a system that can be implemented in a portable communications device. *See* Qua: Figs. 4-5, and col. 7.

Walker, on the other hand, discloses a system that records and stores conversations in a secure manner, that prevents a user from editing the stored information, and that is only implemented as a central server or a stand-alone unit that is separate from a telephone. As Walker explains, the invention is a “system that can record audio conversations in a secure manner.” Walker: col. 2, lines 44-46. “The system can be implemented as a central server . . . or a stand-alone unit.” Walker: Abstract. “The system operates by encrypting audio information, storing the encrypted information, and providing users with a cryptographic key that can be used to decrypt the stored information.” Walker: Abstract. Further, Walker specifies that “[a]fter the connections are established between the audio vault 12 and both parties, the audio vault conferences the two calls together . . . [but] [a]t this point, nothing is being recorded without the consent of all parties to the conversation.” Walker: col. 6, lines 44-49, emphasis added. As discussed above, Walker discloses a system that attempts to limit access to the stored conversation data, includes multiple levels of security and access restrictions, requires consent of all parties before recording anything, and is concerned with “recording audio information in an authenticatable, tamper-proof manner.” Walker: col. 1, lines 6-8. Clearly, there would be no suggestion or motivation to combine the open, flexible system of Qua with the restrictive, secure system of Walker.

MPEP Section 2145 2145(X)(D)(2) states that a “proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of a reference.” However, the systems described by Qua and Walker are incapable of combination for at least the following reasons. First, Qua specifically discloses a system that distributes audio notes to other users “in an efficient and accurate manner by working with other types of communication and information devices.” Qua: Abstract. Unlike Qua, Walker’s system is either a centralized system or a stand-alone device that maintains the recordings in an isolated system and does not transfer stored information to other devices or systems. Further, requiring a centralized or stand-alone system to be imposed, hypothetically, on Qua, would cripple the system described by Qua and prevent the system from distributing audio notes to other systems or users. For example, Qua explicitly discloses several implementations where the audio note taking system is installed on a portable wireless device. However, Walker’s system is expressly limited to either a centralized system, or a stand-alone system that is separate from a telephone. Additionally, Walker requires that the recorded conversation data be encrypted. Encrypting the audio notes of Qua would inhibit users from distributing audio notes to others. Further, requiring a cryptographic key to access a recording would prevent Qua’s system from “recording, distributing and retrieving of audio messages in a hands free manner,” as a user must provide a cryptographic key. Qua: Abstract. Lastly, Qua is directed to a system that allows a user to record personalized notes, while Walker specifically states that no recording occurs until all parties to a conversation have provided verifiable consent. Thus, for at least the foregoing reasons, Qua and Walker are incapable of combination.

#### **b) Walker Teaches Away**

As clearly stated in the MPEP, “[i]t is improper to combine references where the references teach away from their combination.” MPEP § 2145(X)(D)(2). In performing a Section 103 analysis, it is error to consider “references in less than their entireties, i.e. in disregarding disclosures in the references that diverge from and teach away from the

invention at hand.” *W.L. Gore & Associates, Inc. v. Garlock, Inc.* 721 F.2d 1540 (Fed. Cir. 1983).

Reading Walker as a whole, it becomes readily apparent that Walker is directed to a method and apparatus for recording a conversation in a secure manner that prevents editing. Walker discusses at length the need to safeguard audio recordings to prevent tampering and ensure accurate reproductions. Walker: Background. Walker specifically discloses that a shortcoming of “[e]xisting methods of recording conversations,” such as by using “telephone answering machines, tape recorders, and handheld digital audio recording devices,” is that it is “relatively easy to delete or to alter the recorded audio information.” Walker: col. 1, lines 36-41, emphasis added. In discussing the STEN-TEL system, which is disclosed as “a system designed specifically for recording telephonic audio information,” Walker notes that one drawback of the STEN-TEL system is that “information is vulnerable to tampering.” Walker: col. 1, lines 65-66, and col. 2, lines 13-24. As the Federal Circuit stated in *Akzo N.V. v. United States Int’l Trade Comm’n*, 1 USPQ 2d 1241 (Fed. Cir. 1986), prior art references must be read as a whole. Reading Walker as a whole, it is apparent that Walker teaches away from “[allowing] a user of the wireless communication device to . . . [edit and delete] . . . two-way conversation data stored in the remote storage device,” as recited in claim 1.

Walker specifically teaches away from Applicants’ claims by requiring at least two parties to a conversation to enter access codes before any stored information can be modified or deleted. Simply put, Walker teaches that “a user” alone is incapable of editing or deleting anything. Walker specifically states that “the audio vault can not modify a recording without authorization from all of the parties to the recording.” Walker: col. 5, lines 13-15. Further, Walker discloses that “authorization from both of the parties to the conversation must be received before the audio vault can modify stored information.” Walker: col. 5, lines 7-9. Thus, where Walker may mention modifying stored conversation data, Walker actually teaches away from “a user interface configured to allow a user of the wireless communication device to . . . [edit and delete] . . . two-way conversation data stored in the remote storage device.” Therefore, Walker actually teaches away from Applicants’ claims.

**2. “a memory coupled to the wireless communication device for storing two-way conversation data in digital form”**

The Examiner acknowledged that the combination of Qua and Walker fails to teach the two-way conversation data is stored as audio in the voice mail system, but then stated that “Whitfield discloses this limitation.” Office Action, page 4. The Examiner then stated that “[f]or this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Qua and Walker wherein the two-way conversation data is stored as audio in the voice mail system as shown by Whitfield.” Office Action, page 4. “This modification would have improved the system's profitability by allowing network operators to charge subscribers a fee for the service as suggested by Whitfield.” Office Action, page 4. However, Whitfield is incapable of being combined with Qua and Walker. For example, Walker specifically requires encrypting the recorded conversation. However, as the Examiner alleges, Whitfield discloses storing two-way conversation data as audio.

Additionally, the Examiner has failed to articulate a suggestion or motivation to combine Whitfield with Qua and Walker. The Examiner alleged that modifying Qua and Walker by storing the two-way conversation data as audio “would have improved the system’s profitability by allowing network operators to charge subscribers a fee for the service.” Office Action, page 4. However, a network operator could charge a fee regardless of how the two-way conversation data is stored. A network operator would charge a fee for the service, regardless of whether the conversation was stored as audio, digitally encoded, or encrypted. Therefore, the Examiner has failed to articulate a teaching or suggestion to combine Whitfield with Qua and Walker.

**3. “a user interface configured to allow a user of the wireless communication device to . . . [translate] . . . two-way conversation data stored in the remote storage device”**

The Examiner admitted that “nowhere does the combination of Qua, Walker and Whitfield teach the plurality of data management functions includes translating the audio.” Office Action, pages 4-5. The Examiner then summarily alleged that “Rhee discloses this



feature (see column 3).” (Office Action, page 5.) However, Rhee is incapable of combination with Qua, Walker, and Whitfield.

The Examiner stated that “it would have been obvious . . . to further modify the combination of Qua, Walker and Whitfield wherein [sic] the plurality of data management functions includes translating the audio as shown by Rhee.” Office Action, page 5. The Examiner then alleged that “[t]his modification would have improved the system’s flexibility by allowing the user to perform other intermediate processing/distribution functions as suggested by Qua (see column 6).” Office Action, page 5. However, Rhee and Qua are incapable of combination at least because Rhee, like Walker, requires a user to record a message on a centralized message service, while Qua discloses a system configured so that a user must record audio notes on a wired or a wireless communication device. In addition, Rhee is directed to a message service, as opposed to “a wireless communication device for storing two-way conversation data,” as recited in independent claim 1.

**4. “a user interface configured to allow a user of the wireless communication device to . . . [download] . . . two-way conversation data stored in the remote storage device”**

The Examiner admitted that “the combination of Qua, Walker, Whitfield and Rhee does not show the plurality of data management functions includes a function for downloading.” Office Action, page 5. The Examiner then summarily alleged that “Wendelrup discloses this feature (see paragraph 0015).” Office Action, page 5. However, the cited portion of Wendelrup fails to disclose this recitation of claim 1. Additionally, Wendelrup is incapable of being combined with Qua, Walker, Whitfield, and Rhee.

Paragraph 0015 of Wendelrup reads as follows: “[0015] According to another aspect of the present invention, a user of a mobile communications device can retrieve data stored in a remote storage device.” Wendelrup: ¶ 0015. However, the cited portion says nothing at all about “a user interface configured to allow a user of [a] wireless communication device to . . . [download] . . . two-way conversation data stored in [a] remote storage device.” Additionally, Wendelrup cannot be combined with the other four references cited by the Examiner, namely Qua, Walker, Whitfield, and Rhee.

Wendelrup clearly states that his disclosed system can be used to store phone numbers, MP3s, emails, and other information, and that this information can be stored directly on a portable wireless device. As discussed in paragraph 0025, Wendelrup states that “[a] user may wish to store personal information such as diary entries; information relating to use of the device 2, such as a list of frequently used phone numbers; information in the form of SMS or e-mail messages received on the device 2; or other data files, such as image files or MP3-format compressed sound files.” Wendelrup: ¶ 0025. Additionally, Wendelrup states that “[i]n this example, the options available to the user for storing this information include the internal memory 6 of the device 2.” Wendelrup: ¶ 0026.

However, as previously discussed, Walker requires either a centralized or a stand-alone system that is separate from a telephone, and also requires any stored conversation data to be encrypted. Wendelrup’s system would be severely limited if required to be implemented in either a centralized or a stand-alone system, and would also be severely hampered if all of the stored data was encrypted. Therefore, for at least this reason, Wendelrup is incapable of being combined with Qua, Walker, Whitfield, and Rhee.

**5. “a user interface configured to allow a user of the wireless communication device to . . . [search] . . . two-way conversation data stored in the remote storage device”**

The Examiner admitted that “the base references do not clearly show the plurality of data management functions includes functions for searching and linking the two-way conversation data stored in the storage location.” Office Action, page 6. The Examiner then summarily stated that “[a]ll the same, Bowater discloses this feature (see columns 5 and 6).” Office Action, page 6. However, Bowater says little about searching, and clearly fails to teach or suggest “a user interface configured to allow a user of the wireless communication device to . . . [search] . . . two-way conversation data stored in the remote storage device.”

Bowater is directed to a centralized telephone system that can store conversations, and perform speech to text voice recognition on the stored audio conversations. Bowater: Abstract. Where Bowater could potentially be relevant, it merely discloses writing text and conversation data to a CD ROM, and that the text data can be stored in a “compact

searchable database.” Bowater: col. 6, lines 21-27. Bowater clearly fails to teach or suggest allowing “a user of [a] wireless communication device to . . . [search] . . . two-way conversation data stored in [a] remote storage device,” as recited in claim 1. Additionally, not only is there no teaching or suggestion to combine Bowater with the other five cited references, namely Qua, Walker, Whitfield, and Rhee, but Bowater is also incapable of being combined with these references.

Again, the Examiner repeated the same rationale for combining this reference with the other five by stating that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the [five] base references with the searching and linking features of Bowater. This modification would have improved the system's flexibility by allowing the user to perform other intermediate processing/distribution functions as suggested by Qua.” Office Action, page 6. However, much like Walker, Bowater discloses a system that is incapable of being combined with the other references, such as Qua.

Bowater discloses a telephone system that utilizes a centralized computer server that is connected to a PSTN and PBX system in order to record both sides of a telephone conversation. Bowater: col. 3, lines 56-66. Bowater explicitly states that “[t]he computer server 10 is engages and records the conversation between the client and the agent by opening a connection through the digital trunk processor 12 to the PBX 16.” Bowater: col. 3, lines 60-63. As previously discussed, the system disclosed by Qua would be severely limited if implemented as a centralized computer server, as required by Bowater. Therefore, for at least this reason, Bowater not only fails to teach or suggest the above recitation, but is also incapable of being combined with Qua, Walker, Whitfield, Rhee, and Wendelrup.

**6. “a user interface configured to allow a user of the wireless communication device to . . . [link] . . . two-way conversation data stored in the remote storage device”**

The Examiner admitted that “the base references do not clearly show the plurality of data management functions includes functions for searching and linking the two-way conversation data stored in the storage location.” Office Action, page 6. The Examiner then

summarily stated that “[a]ll the same, Bowater discloses this feature (see columns 5 and 6).” Office Action, page 6. However, Bowater says nothing at all about linking two-way conversation data. Again, where Bowater could potentially be relevant, Bowater merely discloses writing text and conversation data to a CD ROM, and that the text data can be stored in a “compact searchable database.” Bowater: col. 6, lines 21-27. Bowater says nothing at all about linking two-way conversation data.

In the Specification, Applicants provide examples of the many data management functions as recited in claim 1. In one example, the Specification discloses that “[t]he user is also given the option to search the conversation data at step 308 to locate, for example, specific words appearing in a conversation and to link related conversations at step 310.” Specification: ¶ 0022. However, not only does Bowater fail to even mention linking, but clearly fails to teach or suggest “a user interface configured to allow a user of the wireless communication device to . . . [link] . . . two-way conversation data stored in the remote storage device.”

**7. “a user interface configured to allow a user of the wireless communication device to . . . [archive] . . . two-way conversation data stored in the remote storage device”**

The Examiner admitted that “nowhere does the combination of Qua, Walker, Whitfield, Rhee, Wendelrup, and Bowater disclose that the plurality of data management functions includes a function for archiving the audio stored in the storage location.” Office Action, pages 6-7. The Examiner then summarily stated that “Jones teaches this feature (see abstract).” Office Action, page 7. Additionally, the Examiner alleged, “it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Qua, Walker, Whitfield, Rhee, Wendelrup and Bowater with the archiving feature of Jones. This modification would have improved the system's efficiency by increasing the amount of memory available for new messages as suggested by Jones.” Office Action, page 7. However, much like Walker and Rhee, Jones is also directed to a centralized system. More specifically, Jones is directed to a centralized voice mail system. Jones: Abstract. As previously discussed, the system disclosed by Qua would be severely

limited if implemented as a centralized computer server, as required by Jones. Therefore, for at least this reason, Jones is also incapable of being combined with Qua, Walker, Whitfield, Rhee, Wendelrup, and Bowater.

For at least the foregoing reasons, independent claim 1 is patentable over the cited references. Similarly, the claims dependent on claim 1 are patentably distinct at least because of their dependence on independent claim 1, which is patentable over the cited references. Thus, Applicants respectfully request the Examiner to withdraw the rejection of independent claim 1 as well as dependent claims 2 through 6.

### **B. Independent Claim 8**

The Examiner also relied on a combination of seven references to reject independent claim 8. As previously discussed, the cited references not only fail to teach or suggest numerous recitations found in Applicants' claims, but also teach away from Applicants' claims and are incapable of being combined.

#### **1. "a user interface configured to allow a user of the wireless communication device to . . . [edit] . . . two-way conversation data stored in the remote storage device"**

The Examiner again admitted that "Qua does not explicitly say that the plurality of data management functions includes functions for editing the two-way conversation data stored in the remote storage device." Office Action, page 8. The Examiner then alleged that "Walker covers this feature (see column 5)." Office Action, page 8. As discussed above with respect to claim 1, Walker expressly teaches away from allowing "a user" to edit stored two-way conversation data, as discussed above. In addition, as detailed above, Walker and Qua are incapable of combination, and Walker actually teaches away from Applicants' claims.

#### **2. "a memory coupled to the wireless communication device for storing two-way conversation data in digital format"**

In addition, the Examiner further relied on Whitfield, alleging that Whitfield discloses that the two-way conversation data is stored as audio. However, Whitfield is incapable of

being combined with Qua and Walker. For example, Walker specifically requires encrypting the recorded conversation. Yet, as the Examiner alleges, Whitfield discloses storing two-way conversation data as audio. Additionally, as previously discussed, the Examiner has failed to articulate a suggestion or motivation to combine Whitfield with Qua and Walker. The Examiner alleged that modifying Qua and Walker by storing the two-way conversation data as audio “would have improved the system’s profitability by allowing network operators to charge subscribers a fee for the service.” Office Action, page 9. However, a network operator could charge a fee regardless of how the two-way conversation data is stored. A network operator would charge a fee for the service, regardless of whether the conversation was stored as audio, digitally encoded, or encrypted. Therefore, the Examiner has failed to articulate a teaching or suggestion to combine Whitfield with Qua and Walker.

**3. “a user interface configured to allow a user of the wireless communication device to . . . [translate] . . . two-way conversation data stored in the remote storage device”**

The Examiner admitted that “nowhere does the combination of Qua, Walker and Whitfield teach the plurality of data management functions includes translating the audio.” Office Action, pages 9-10. The Examiner then summarily alleged that “Rhee discloses this feature (see column 3).” Office Action, page 10. However, as previously discussed regarding claim 1, Rhee is incapable of combination with Qua.

**4. “a user interface configured to allow a user of the wireless communication device to . . . [download] . . . two-way conversation data stored in the remote storage device”**

The Examiner admitted that “the combination of Qua, Walker, Whitfield and Rhee does not show the plurality of data management functions includes a function for downloading.” Office Action, page 10. The Examiner again summarily alleged that “Wendelrup discloses this feature (see paragraph 0015).” Office Action, page 10. However, as previously discussed regarding claim 1, the cited portion of Wendelrup fails to disclose this recitation of claim 1. Additionally, Wendelrup is incapable of being combined with Qua, Walker, Whitfield, and Rhee. For example, as previously discussed, Walker requires either a

centralized or a stand-alone system that is separate from a telephone, and also requires any stored conversation data to be encrypted. Wendelrup's system, on the other hand, would be severely limited if required to be implemented in either a centralized or a stand-alone system, and would also be severely hampered if all of the stored data was encrypted. Therefore, for at least this reason, Wendelrup is incapable of being combined with Qua, Walker, Whitfield, and Rhee.

**5. "a user interface configured to allow a user of the wireless communication device to . . . [search] . . . two-way conversation data stored in the remote storage device"**

The Examiner again acknowledged that "the base references do not clearly show the plurality of data management functions includes functions for searching and linking the two-way conversation data stored in the storage location." Office Action, page 11. The Examiner then summarily stated that "[a]ll the same, Bowater discloses this feature (see columns 5 and 6)." Office Action, page 11. However, as previously discussed, Bowater says little about searching, and clearly fails to teach or suggest "a user interface configured to allow a user of the wireless communication device to . . . [search] . . . two-way conversation data stored in the remote storage device." Where Bowater may be relevant, Bowater merely discloses writing text and conversation data to a CD ROM, and that the text data can be stored in a "compact searchable database." Bowater: col. 6, lines 21-27. Additionally, not only is there no teaching or suggestion to combine Bowater with the other five cited references, namely Qua, Walker, Whitfield, and Rhee, but Bowater is also incapable of being combined with these references. As previously discussed, Bowater discloses a telephone system that utilizes a centralized computer server that is connected to a PSTN and PBX system in order to record both sides of a telephone conversation. Bowater: col. 3, lines 56-66. However, the system disclosed by Qua would be severely limited if implemented as a centralized computer server, as required by Bowater. Therefore, for at least this reason, Bowater not only fails to teach or suggest the above recitation, but is also incapable of being combined with Qua, Walker, Whitfield, Rhee, and Wendelrup.

**6. “a user interface configured to allow a user of the wireless communication device to . . . [link] . . . two-way conversation data stored in the remote storage device”**

The Examiner admitted that “the base references do not clearly show the plurality of data management functions includes functions for searching and linking the two-way conversation data stored in the storage location.” Office Action, page 11. The Examiner then summarily stated that “[a]ll the same, Bowater discloses this feature (see columns 5 and 6).” Office Action, page 11. However, as previously discussed, Bowater says nothing at all about linking two-way conversation data, as recited in claim 8.

**7. “a user interface configured to allow a user of the wireless communication device to . . . [archive] . . . two-way conversation data stored in the remote storage device”**

The Examiner admitted that “nowhere does the combination of Qua, Walker, Whitfield, Rhee, Wendelrup, and Bowater disclose that the plurality of data management functions includes a function for archiving the audio stored in the storage location.” Office Action, page 11. The Examiner then summarily stated that “Jones teaches this feature (see abstract).” Office Action, page 11. Additionally, the Examiner alleged, “it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Qua, Walker, Whitfield, Rhee, Wendelrup and Bowater with the archiving feature of Jones. This modification would have improved the system's efficiency by increasing the amount of memory available for new messages as suggested by Jones.” Office Action, pages 11-12. However, as previously discussed, Jones is also directed to a centralized system that is incapable of being combined with the other references. As previously discussed, the system disclosed by Qua would be severely limited if implemented as a centralized computer server, as required by Jones. Therefore, for at least this reason, Jones is also incapable of being combined with Qua, Walker, Whitfield, Rhee, Wendelrup, and Bowater.

For at least the foregoing reasons, independent claim 8 is patentable over the cited references. Similarly, dependent claims 9-12, 16, and 18-21 are patentable at least because



of their dependence on an allowable base claim. Thus, Applicants respectfully request the Examiner to withdraw the rejection of these claims.

### **C. Independent Claim 22**

The Examiner also relied on a combination of seven references to reject independent claim 22. As previously discussed, the cited references not only fail to teach or suggest numerous recitations found in Applicants' claims, but also teach away from Applicants' claims and are incapable of being combined.

**1. "a user interface . . . that allows a user of said at least one wireless communication device to . . . [edit] . . . said data stored in said at least one storage location"**

The Examiner again admitted that "Qua does not explicitly say that the plurality of data management functions includes functions for editing and deleting the two-way conversation data stored in the remote storage device. Nonetheless, Walker covers this feature (see column 5)." Office Action, pages 14-15. As discussed above with respect to claims 1 and 8, Walker expressly teaches away from allowing "a user" to edit stored data, as discussed above. In addition, as detailed above, Walker and Qua are incapable of combination.

**2. "a user interface . . . that allows a user of said at least one wireless communication device to . . . [translate] . . . said data stored in said at least one storage location"**

The Examiner admitted that "nowhere does the combination of Qua, Walker and Whitfield teach the plurality of data management functions includes translating the audio." Office Action, page 16. The Examiner then summarily alleged that "Rhee discloses this feature (see column 3)." Office Action, page 16. However, as previously discussed regarding claim 1, Rhee is incapable of combination with Qua.

**3. “a user interface . . . that allows a user of said at least one wireless communication device to . . . [download] . . . said data stored in said at least one storage location”**

The Examiner admitted that “the combination of Qua, Walker, Whitfield and Rhee does not show the plurality of data management functions includes a function for downloading.” Office Action, page 16. The Examiner again summarily alleged that “Wendelrup discloses this feature (see paragraph 0015).” Office Action, page 16. However, as previously discussed regarding claims 1 and 8, the cited portion of Wendelrup fails to disclose this recitation of claim 1. Additionally, Wendelrup is incapable of being combined with Qua, Walker, Whitfield, and Rhee.

**4. “a user interface . . . that allows a user of said at least one wireless communication device to . . . [search] . . . said data stored in said at least one storage location”**

The Examiner again acknowledged that “the base references do not clearly show the plurality of data management functions includes functions for searching and linking the two-way conversation data stored in the storage location.” Office Action, page 17. The Examiner then summarily stated that “[a]ll the same, Bowater discloses this feature (see columns 5 and 6).” Office Action, page 17. However, as previously discussed, Bowater says little about searching, and clearly fails to teach or suggest this recitation. Additionally, not only is there no teaching or suggestion to combine Bowater with the other five cited references, but Bowater is also incapable of being combined with these references.

**5. “a user interface . . . that allows a user of said at least one wireless communication device to . . . [link] . . . said data stored in said at least one storage location”**

The Examiner admitted that “the base references do not clearly show the plurality of data management functions includes functions for searching and linking the two-way conversation data stored in the storage location.” Office Action, page 17. The Examiner then summarily stated that “[a]ll the same, Bowater discloses this feature (see columns 5 and 6).” Office Action, page 17. However, as previously discussed, Bowater says nothing at all about linking two-way conversation data, as recited in claim 22.

**6. “a user interface . . . that allows a user of said at least one wireless communication device to . . . [archive] . . . said data stored in said at least one storage location”**

The Examiner admitted that “nowhere does the combination of Qua, Walker, Whitfield, Rhee, Wendelrup, and Bowater disclose that the plurality of data management functions includes a function for archiving the audio stored in the storage location.” Office Action, page 17. The Examiner then summarily stated that “Jones teaches this feature (see abstract).” Office Action, page 17. However, as previously discussed, Jones is also directed to a centralized system that is incapable of being combined with the other references, namely Qua, Walker, Whitfield, Rhee, Wendelrup, and Bowater. As previously discussed, the system disclosed by Qua would be severely limited if implemented as a centralized computer server, as required by Jones.

For at least the foregoing reasons, independent claim 22 and dependent claims 23, 24 and 27-30 are patentable over the cited references. Thus, Applicants respectfully request the Examiner to withdraw the rejection of independent claim 22.

### **CONCLUSION**

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested, and the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under order number 65632-0041. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

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Respectfully submitted,

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